

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 4A. This sheet, which includes Fig. 4A, replaces the original sheet including Fig. 4A.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 4-10, 12, 16-33, and 36-39 are pending in the present application; Claims 1, 4-7, 9-11, 22, and 36-38 having been amended, and Claims 2, 3, 11, 13-15, 34 and 35 having been canceled by way of the present amendment.

In the outstanding Office Action, the specification was objected to, Claim 38 was objected to, Claim 3 was rejected under 35 U.S.C. § 112, first paragraph, and each of the pending claims was rejected under 35 U.S.C. § 102 and/or § 103 using Pope (U.S. 4,976,296) either alone or in combination.

Initially, Figure 4A is amended in a separate letter transmitted to the draftsman to clearly show element 41 in a manner consistent with the illustrations of 35, 36, and 42. This amendment is supported by the originally filed specification in paragraph [0121] which explains 41 and how 41 is a holding material which closes the second tubular body 31. The change illustrates 41 to be illustrated in the same manner as 42 is illustrated.

The specification was objected to because a portion of Claim 39 was not supported by the specification. This objection is respectfully traversed.

Initially, it is believed that the outstanding Office Action is referring to Claim 37 and not Claim 38. The objected to subject matter set forth in Claim 37 has been incorporated into the specification at p. 47. Such addition does not constitute new matter as this feature is part of the originally filed specification.

Accordingly, the objection to the specification is respectfully requested to be withdrawn.

Claim 38 is objected to because of the use of the word "power." In response to this objection, the term "power" has been changed to "powder."

Accordingly, the objection to Claim 38 is respectfully requested to be withdrawn.

Claim 3 stands rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

The subject matter of Claims 2 and 3 has been incorporated into amended Claim 1. The various filter parts have now been labeled as the first filter part and the second filter part. With the proper recitation of the second filter part, the 112 issue has been removed.

Accordingly, the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested to be withdrawn.

Each of the originally filed claims was rejected under 35 U.S.C. § 102 and/or § 103 using at least Pope (U.S. 4,976,296). This rejection is respectfully traversed.

Claim 1 has been amended to include the limitations of Claim 2 and 3. The invention of Claim 1, for example, relates to a powder filling nozzle used for filling up a container with a powder mixed with a gas in a fluidized state. Claim 1 recites a tubular body and a gas separating unit. The tubular body is recited as including both a double pipe structure and a triple pipe structure. The triple pipe structure includes the double pipe structure.

Claim 1 recites “both ends of the third tubular body being fixed to the second tubular body so as to close the gap.” This limitation is not found in Pope. Moreover, Claim 1 includes the limitation of “the third tubular body including a second filter part at an outer circumference thereof. This limitation corresponds to, for example, what is shown in Figure 4A with the through holes 38 being covered by the filter part 39 having a filter material which is wound around the circumference of the third tubular body to cover the holes 38. Pope does not disclose or suggest such structure.

Claim 1 specifically requires that both ends of the third tubular body being fixed to the second tubular body so as to close the gap between the second and third tubular bodies at both ends thereof. In Pope, Figure 1 shows the bottom portion thereof which is open. There

is seen a filter 23 in Pope which allows communication from within the container 18 to the gap between a second body 13 and a third body 14. This filter 23 prevents it from having a gap which is closed.

Claim 1 recites a second filter part at an outer circumference thereof. To the contrary, the filter 23 is at an end portion or end face and not at the outer circumference of the tube 14.

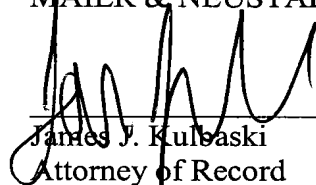
For at least these reasons, independent Claim 1 and each of the other independent claims distinguish over Pope.

Accordingly, the rejections of all pending claims are respectfully requested to be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'James J. Kulbaski', is written over a horizontal line.

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